Shock to the Readers of the "Spectator"-The Liar Exalted Above the Hypocrite-The Natural Agreement to Deceive Each Other in Moderation for the Common Comfort.

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Special Cable Despatch to THE SUN. LONDON, June 8 .-- The readers of that stern mentor of public morals, the Spectator, rubbed their eyes in amazement to-day, when they read in its chaste columns a defence of the practice of lying. The editor solemnly affirms that society lying "when indulged in strict moderation is in no way injurious to the moral health."

What greater shock could disturb the foundations of the British social system than this? Not that it alters the facts. but more important than that, it admits them and justifies them, and already the editor is hailed with admiration for his honesty and courage. He exalts the liar above the hypocrite and the first impuise is to applaud him. To-morrow will come a chorus of reprobation, and the pious liars of Great Britain will condemn him for daring to trifle with the moral code which they violate every day of their lives and so habitually and even intuitively that they have long been ignorant of their own offending.

Such an authority as the Spectator is at least worthy of hearing, however deadly its heresy and indefensible its sophistry. Thus: "In the matter of true speaking, as in wine drinking, no one can define what moderation means though we all believe that in our own persons we illustrate the word. But, granting this vague moderation, we are prepared to maintain that a certain number of false formulas are necessary for the defence and maintenance of the spirit of sincerity and truth. We all have entered into a tacit agreement that under certain circumstances we will deceive each other for our common comfort, and if any large number of people took to avoiding these defensive forms and spoke on all occasions nothing but the naked truth the social world would have to be made over again, and we think that the new one would be worse and less ingenuous than that in which we live.

After such a revolution society would have to revise its list of penal offences, and at the head of the new catalogue would stand, we imagine, curiosity. The rules about not asking questions, which now apply only to royalty, would have to be universally observed. 'I shan't tell you, is a phrase which will not always defend a secret, and apart from that, if constantly resorted to, would be apt to produce social

"One would hardly dare to ask a friend to dine in so many words if it were not permissible for him to make the false reply that he was sorry but he was engaged and could not come. Ordinary social intercourse, instead of becoming more direct, would have to be carried on by an elaborate system of hints; otherwise society would become, metaphorically speaking, a bear garden in which sensitive persons would be battered to death. It would be impossible to get used to being told 'I do not like you, and your friends bore me, or 'I could come quite easily but I do not care to identify myself with the very second-rate people among whom you live." Neither could we improve matters by reversing the ordinary procedure by allowing guests to invite themselves. The rebuff of being refused hospitality would be almost unbearable."

British public for the next few weeks is whether the editor of the Spectator deserves a monument or ignominy for trying to make the men and women of the twentieth century honest liars instead of hypocritical deceivers.

#### GETTING OUT OF ENGLAND. More Persons Leave the Country Than Go In. According to Last Year's Reports.

Special Cable Despatch to THE SUN. London, June 8.-The emigration and mmigration statistics of the year 1900 show that more persons leave England than enter it. The following figures show the totals of the general passenger movement:

Outward, to countries outside of Europe. 298,561; to Europe, 669,292. Inward, from outside Europe, 175,747; from Europe, 748,-825. Balance in favor of outward movement. 43.381, an increase over 1899 of 21,456. Net effux of natives in 1900 from the United Kingdom, 72,000; net influx of foreigners, 29,000, of whom 15,000 were foreign seamen who, leaving as members of crews, do not count as emigrants. Thus the increase in the foreign population was 14,000, chiefly in the East End of London. The majority of foreigners leaving had entered during

of the emigrants from outside of Europe. 189,391 went to the United States, 50,007 to British North America, 15,728 to Australia and 25.518 to South Africa. More foreigners than natives went to Canada. Of 63,505 aliens going west through the United Kingdom, 25,633 were Russians and Poles. Of the emigrants to outside of Europe, 168,825 were British and 129,786 "foreigners."

### Ireland's Population Decrease, 248,204.

Special Cable Despatch to THE SUN. LONDON, June 8 .- The official census of Ireland published to-day shows a population of 4,456,540, a decrease in the last ten years of 248,204.

### Schoolma'am Bankrupt.

Caroline Martin, a teacher residing at 349 West Fifty-eighth street, has filed a petition in bankruptcy with Habilities \$9,950 and no available assets except clothing \$145 and available assets except clothing \$145 and books \$5, which are exempt. Her creditors are Mary Snead of Murfreesboro, Tenn., \$4,000, money borrowed from 1890 to 1901; N.O. Wardlaw, Murfreesboro, \$3,000, borrowed money. Prentice, Ingraham, \$1,000, services and borrowed money; Charles H. Brown, \$650, board and medical services; in litigation, Inversoil Lockwood, \$450, legal services; William Coleman, Louisville, Ky, \$350, medical services James Calhoun, Louisville, \$250, services William Baker, Louisville, \$50, medicines; William Baker, Louisville, \$50, medicines; William Baker, Douisville, \$70, medicines; William Baker, 8-ryces, William Baker, Louisville, \$50, meu-ctnes; William Doscher, \$110, rent, and the Washington Storage Company, \$99 for storage.

### Railroad Man Robbed by Tramps.

READING, Pa., June 8 .- Charles Eberly, Ar assistant Reading Rallroad agent at Linfield, while locking up the freight house there late last night, was knocked down by two marked measured robusted of \$123, all his savings, which he intended investing in real estate to-day. The transps escaped.

### Ground Broken for a New Catholic Church in

Brooklyn. Ground was broken yesterday afternoon for St Michael's new Roman Catholic church in Fourth avenue and Forty-second street, Brooklyn, the Rev Father Henry A Gallagher, the paster, turning the first spadeful. An address was made by the Rev William A. Gardener of Gravesend

### Paroled Convict Charged With Burning &

Church. Manison, Ind , Jame s Pat Duffy, a paroled convict, has been arrested, charged with burning the First Christian Church here and of stealing the communion set. He was sent to prison in 1892 for burning the western part of Madison

#### ATHANASIAN CREED DEBATE.

London Diocesan Convention Votes Agains Special Cable Despatch to THE SUN. LONDON, June 8 .- At the meetings of the

London Diocesan Conference during the past week there were several interesting debates, notably one dealing with the Athanasian and the Rev. Blomfield Jackson, Prebendaries of St. Paul's Cathedral, moved and seconded that a retranslation be submitted for the

present version. Canon Joseph Armitage Robinson of Westminster opposed this motion. He said he thought the present version admirably represented the meaning of the original framers. The temper of the time was photographically reproduced in its magnificent anathemas and no retranslation can soften what was meant to be as hard as adamant. He continued:

"Those words appall the average mind of to-day. How then can we justify their repetition in the service of the Church? Doubtless, there are several answers: I can only give mine. I sing them as part of the great hymn composed as the battle song of the Church when at length she had vanquished the Arians and other deprayers of the faith. I sing them as I sing certain portions of the Psalms, which are wholly un-Christian in their temper. We have no authority to pick and choose. I say to myself this is the way they try to serve God. Then their clear distinctions between right and wrong help us still, though their zeal to enforce them needs a different expression in our later days. But as I sing them I long for the day when the Church will allow me to sing only the splendid confession of my faith without clauses which seem to

threaten my neighbor." Canon Robinson advocated following the church's own precedent in eliminating the anathemas formerly at the end of the Nicene Creed. He argued that the retranslation would simply mean that the Church of the twentieth century solemnly reaffirms in a more modern dress the anathemas of the fifth century, which we tolerate only as part of the historical record and do not desire to

utter anew as our own. Canon Hensley said that a retranslation would merely give worse English without bettering theology. Canon Robinson's impressive speech car-

TERMS OF SURRENDER FOR CAILLES. He Has Promised to Come In With 1,600 Rife-

Special Cable Despatch to THE SUN MANILA, June 8 .- Gen. Cailles, the insurgent commander in the Province of Laguna, has promised to surrender with 1,600 riflemen under terms which Senor Dancel, who has acted as intermediary, states have been modified and accepted by the authorities It is not believed that Cailles has that many rifles in his command, however.

The conditions are said to be as follows: First-That hostilities shall be suspended while the negotiations are pending. Second-That Gen, Cattles's troops shall

receive the customary considerations and the benefit of the franchise. Third-That instead of the Government paying the usual \$30 for every rifle surrendered fund of \$100,000 shall be created for the benefit of the widows and orphans of Filipino

soldiers. Fourth-That two deserters from the American forces, one of whom is Frank Meekin of the Thirty-seventh Volunteers, shall

receive a full pardon. Senor Dancel will wisit Gen. Wade to-day and attempt to arrange for the surrender of Cailles to Brig.-Gen. Sumner at Pagsajan, Laguna province, within the next two weeks. Major Batson of the Philippine cavalry (Magcabebes) deserves great credit for the influence he exercised on Cailles to bring about this

The Philippine Commission held a session at San Isidro, capital of Nueva Ectia, to-day after a hard overland journey of thirty-two miles. President Taft, in opening the sesion. gave a brief outline of the decision of the Supreme Court in the insular cases. He explained to the Filipino delegates present that if the customs imposts were abolished there was a possibility of heavier internal taxes being imposed. The delegates naturally only partially comprehended the explanation. They are far more interested in local conditions and the location of the future capital of the province.

#### REGIS WOUNDED IN SECOND DUBL. seconds and Spectators in a Row and More Duels Will Follow.

Special Cable Despatch o THE SUN: Paris, June 8.-The duel begun yesterday between Max Regis, the notorious anti-Semitle Mayor of Algiers, and Editor Laberlesque, was resumed this morning. In the first round to-day Regis was slightly

wounded in the arm. Nineteen rounds were fought yesterday without any blood being spilled. The trouble arose from anti-Jewish politics.

Regis was not willing to stop after being rounded to-day and a lively altercation between the seconds of the two men followed. A number of anti-Jewish expressions were passed, with the result that the seconds and several of the spectators exchanged cards.

#### NEW YORK DELEGATES SCATTER. C. N. Bliss Sails for Home, but Others Go in Various Directions From London.

Special Cable Despatch to THE SUN. LONDON, June 8 .- The delegates from the New York Chamber of Commerce are already departing in various directions. Cornelius Bliss sailed from Southampton for New York to-day on the American Line steamship St. Paul. Levi C. Weir started for Carlsbad by way of Paris. A. Barton Hepburn has gone for a short trip to Ireland and will sail on the White Star steamship Teutonic next Wednesday. Isidor Straus and J. Foster Higgins have gone on a visit to Andrew Carnegie at Skibo Castle. Morris K. Jesup and John Terry will sail for home on the Teutonic next

### King Edward Thanks J. P. Morgan.

Special Cable Despatch to THE SUN. LONDON, June 8 .- J. Pierpont Morgan was not present yesterday when King Edward viewed the famous Gainsborough portrait of the Duchess of Devonshire. King Edward asked Sir Thomas Agnew to thank Mr Morgan for allowing the inspection. The picture was afterward taken to Mr. Morgan's house

### Mrs. Botha in England.

Special Cable Despatch to THE SUN. SOUTHAMPTON, June 8 .- Mrs. Botha, the wife of the Boer Commander-in-Chief, who is said to be on her way to see Mr. Kruger in the interest of peace in South Africa, arrived here this morning. She absolutely refused to be interviewed, even by a French journalist who came from Paris for that purpose.

Special Cable Despatch to THE SUN. Paris, June 8 .- Mme. Monnier, who was accused of brutally imprisoning her daughter for 25 years, died in the prison at Poitiers to-day. The woman did not realize the gravity of the charge until she was examined yesterday, when she collapsed and died of rheumatism of the heart

#### Jack Morris, Barnum Treasurer, Hurt. Special Cable Despatch to THE SUN.

LONDON, June 8 -A despatch to the Central News from Vienna says Jack Morris, of New York, the treasurer of the Barnum & Bailey Show, fell from a railway carriage between Budweis and Welleschin, Austria, to-day and was seriously injured. He was taken to a hospital at Budweis.

# COURT TO RETURN SEPT. 1:1

EDICT FROM THE CHINESE EMPEROR FIXES THAT DATE.

Save the Sealth of the Empress Dowager Will Not Permit Travel Sooner - Chinese Not Very Successful at Maintaining Order Germans Fortifying Their Legation. Special Cable Despatch to THE SUN.

From THE SUN Correspondent at Pekin. PEKIN, June 8 .- Li Hung Chang has just eceived an edict stating that the Court will eave Singan-fu on its return to Pekin on the 19th day of the seventh moon, Sept. 1.

The British are gradually preparing to withdraw from Pekin, though no definite time has as yet been fixed. Nine transports to take the troops back to India are expected here within a month. The British will, perhaps, keep more than their share of the legation guard here temporarily to prevent disturbances. Before the Court returns many natters may arise that will require the presence of a larger force of allies than the proposed legation guards.

The Chinese troops have failed to suppress the Boxers in central Chili, and the French have therefore decided to resume their occupation of Chengting-fu and other places in that vicinity. The Chinese themselves have no expectation of success in maintaining order in the outlying districts.

The Germans are actively at work fortifying their part of the legation quarter. One fortress is being planned for the top of the city wall behind the legation. The ministers have issued proclamations giving minute rules for the regulation of the quarter and closely restricting the Chinese. Nothing has been determined in regard to similar Nothing restrictions against the legation guards going among the Chinese outside the limits

The official escort sent by the Governor of Shansi to conduct the missionaries to Talyuen-fu has arrived here. It is reported that soldiers will be posted at short distances apart along the route to Shansi. The main body of troops has retired entirely from this line. The missionaries are somewhat doubtful of the expediency of making this trip until the effects of the evacuation by the allies are known and it is apparent

Capote, the President of the convention, wishes o resign. His reason is that there may be ourteen votes on each side, in which case he would have to east the deciding vote. Gualberto Gomez is quoted as saying that he will make it hot for all the delegates to the convention who vote for the acceptance of the Platt amendment by attacking them in his paper, the Patria.

There is only one case of yellow fever in The average for these three months since 1889 has been thirty-six. In 1899 there were three deaths during the months of March. April and May, but at that time there were comparatively few non-immunes here. This immunes than ever before in Cuba. In spite of this there was no yellow fever in Havana on June 1. Surgeon Gorgas says that so far as he can ascertain this is the first time that such a record has been made.

### LL.D. FOR CARNEGIE.

University of Glasgow to Honor Him in Return for His Gift.

Special Cable Despatch to THE SUN. GLASGOW, June 8. - The University of Glasgow will confer the degree of LL. D. on Andrew Carnegie next Thursday in recognition of his gift to Scotch educational institutions. Other Scottish universities will probably take similar action.

# **FORSYTHE** WAIST.

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# JOHN FORSYTHE.

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#### TO KILL OFF MAHANY.

Bufalo Republicans Propose E. H. Butler Editor of "The Evening News," for Mayor. BUFFALO, June 8 .- At this early period of the canvass it is safe to predict that the liepublicans will nominate Edward H. Butler for Mayor. The ambition of former Representative Rowland B. Mahany to run for Mayor will result in the nomination being forced on Mr. Butler. When Mr. Mahany was defeated for Congress the second time by Representative William H. Ryan the Republican organization of Erie county hoped that it had done with him. He had been unpopular with the organization, always embroiling it in his personal quarrels when he was working in cooperation with the machine, or threatening its leaders with political extermination when they dared to oppose his policies. It is not to be denied that in certain quarters of Buffulo he has a personal following which has strength in pirmaries and in elections, and he did not meet with much difficulty in securing the indorsement of ward and district committees, who helped to circulate his posters and hand-bills.

bills.

All the Republican leaders and all the Republican newspapers were openly or at heart opposed to his candidacy, with the single exception of Mr. Butler, whose newspaper, the Brening News, offered him some encouragement. The organization leaders now propose Mr. Butler for Mayor, and naturally Mr. Butler's paper has been silent, but every other newspaper. Republican and Democratic, has pronounced for Mr. Butler as the best candidate for his party to elect. It is even stated that if nominated he will receive the support of the Courier and the Enquirer. Independent Democratic newspapers, owned by William J. Conners, who in the past has been Mr. Butler's foe. Mr. Butler has been highly successful as a newspaper publisher and is a man of large wealth. He was one of the Electors-at-large for New York State on the McKinley ticket.

Mayor Diehl, who defeated John N. Scatcherd four years ago, probably will be renominated by the Democrats. All the Republican leaders and all the

#### CREDITOR VEXES E. E. RICE. Objections Hold Up the Theatrical Manager's

Discharge in Bankruptcy. Edward E. Rice, the theatrical manager who filed a petition in bankruptcy on April 30, 1900, with liabilities of \$01,610 and no assets and whose affairs have since been before Ernest Hall, referee, has applied for his discharge. Creditors Thomas C. Murray objects. He says that Mr. Rice omitted various assets from his schedule, a credit of \$400, namely, due the bankrupt from C. E. Southward the British Minister, has advised the missionaries to postpone their departure.

Shanghai, June 8.—An Imperial edict, issued to-day, fixes the date for the Court's return to Pekin for Sept. 1. Emperor Kwang-su, in his edict, says that consideration of the health of the Empress Dowager makes it impossible to undertake the journey in the heat of the summer. The court will travel through the Provinces of Honan and Chilli to Pekin.

\*\*CUBANS MAY SPLIT EVENIX\*\*.\*\*

\*\*President of the Cenvention Fears He May Have to Cast the Deciding Vote—May Resign.\*\*

\*\*Special Cable Despatch to This Sun.\*\*

\*\*Baysana.\*\*

\*\*Special Cable Despatch to The Sun.\*\*

\*\*Baysana.\*\*

\*\*Baysana.\* charge. Creditors Thomas C. Murray objects. He says that Mr. Rice omitted various

# HE HORSEWHIPPED A MINISTER.

Henry Moore, the Jersey City negro who horsewhipped the Rev. T. E. Montgomery, pastor of the John Knox Presbyterian Church, on Thursday because the minister would not let him drive his team through a crowd of the city at the present time. During the months of March, April and May there was only one death from this disease in Havana. Chief Surgeon Gorgas says this is phenomenal.

# To Change Her Name Without Marriage.

sion from Judge Hurd in the County Court in Brooklyn yesterday to change her name to Winifred Hermine Rogers. She alleged that her maternal aunt left her a large estate and that her father. Christopher Foster, was appointed her guardian and had control of the estate until she became of age. Then, she alleges, he refused to make an accounting and that he has not at any time properly maintained or provided for her. She also alleged that her maternal uncle had declared her to be his sole heir and that as she is depending upon him for support she desired to bear his name. Winifred is the name of a friend who died some time ago and Hermine was the name of her aunt. to Winifred Hermine Rogers. She alleged

Drugged With Ether and Robbed of \$500. ITHACA, N. Y., June 8,-Erwin Coney was placed under the influence of ether at an early hour this morning and robbed of \$500 early hour this morning and robbed of \$500. The whole family were sleeping on an upper floor of their house at 211 Lynn street, and suddenly Mrs. Coney became aware that a man was in the room. The robber drugged her and the rest of the family with ether, and rified the pockets of the husband, who had just received \$500 from the sale of a house and lot. The robbers did not wait to take a valuable gold watch in the pocket of his trousers.

Boy of 11 Steals Fifty Watches in One Year. EVANSVILLE, Ind., June 8 -Arthur Jackson, aged 11, has admitted stealing fifty watches within a year and has been sent to the Reform School. He tore the watches up to see the wheels go round. He had been frequently whipped by order of the police Judge, but it had no effect.

Foss Not a Candidate for the Senate. CHICAGO, June 8.-Congressman George Enmund Foss of the Seventh district denies that he is a cardidate for the United States Sonate to succeed Senator Mason in 1903. "I expect to be a candidate for reliection as a member of the lower branch of Congress," and Mr. Foss, "but I shall not be a candidate for the Senate."

# The List of Referees.

The following is a list of referees appointed in the Supreme Court last week: By Justice Gildersleeve. Teachers' Codp. Bldg. and
Loan Assn. vs. Brown John J. Gleason.
Robinson vs. Seranu Thomas McAdam.
Robinson vs. NeGrath Thomas McAdam.
Met. Life Ins. Co. vs.
Brinley Germania Life Ins. Co. vs.
Cermania Life Ins

Matter of Alfred J. Smith
Co. Delano C. Calvin.
City Real Estate Co. vs. M. Cleiland Milnor.
Matter of Harper Bros. Francis C. Cantine.
Welbrock vs. Welbrock John V. McEvoy.
Knapp vs. Knapp George R. Carrington,
Williams vs. Hagerty. Daniel F. Ingraham.
Stone vs. Schnugg. Reuben H. Underhill.
Matter of E. and L. A.
Goodenough. Matter of E. and L. A.
Goodenough. James O'Farrell.
Mut. Life Ins. Co. vs.
Schnugg. Lewis H. Freedman.
Dans vs. Cozans. Arthur D. Truax.
Carroll vs. Greacen. C. W. Hartridge,
Matter of Stevens. E. H. Pomeroy.
Klots vs. McLaughlin. A. Walker Otis.

By Justice MacLean.

M. A. Lesser.
Empire City Sav. Bank
vs. Johnson. M. Cleiland Milnor.
Matter of Diehl. James Ridgway.
Langhein vs. Coogan. Maurice J. Cohen.
Busch vs. Busch. James F. C. Blacking
Williams vs. Williams. Daniel F. Murphy.
Egan vs. Hamilton. Campe S. Andrews.
Hall vs. Scheter. Henry J. Hamilton. Hayden vs. Mitchell . . By Justice Glegerich. Robinson vs. Gerry .... Thomas Gilleran. By Just.ce Blanchard.

Marsh vs. Cheshire Lime and Builders Supply Co. Ralph Nathan. Engel vs. Engel Nathaniel A. Elsberg, Nogues vs. Dupont Gustav A. Drachman. Matter of Van Aesch John C. Coleman. By Justice O'Gorman. Lenane vs. Macdonald . . Charles J. McCafferty. By Justice Scott. Poster vs. Bonnard . . . . . John Foley. By Justice Lawrence. Murray vs. Sweasy ..... Charles W. West Veysey vs. Veysey ..... D. P. Ingraham.

By Justice Freedman.

# JURIES FOR EXCISE CASES

AND FOR POLICE MISDEMEANANTS
ALSO, VERY LIKELY.

Judge Poster Reverses the General Session Practice as to Saloonkeepers - He Says the Raines Law Penalty Is Too Severe for Misdemeaner-Juries Wont Convict. Judge Warren W. Foster has opened the door of General Sessions to policemen held, like Capt. Herlihy, for trial for misdemeanor, and to proprietors of saloons held on charges of violating the Excise laws. Judge Foster' opinion, handed down yesterday, was in answer to an application made by a saloonkeeper named Felix Cornyn for the transfer of his case from Special Sessions to General Sessions for a jury trial.

Within a few months both Recorder Goff and Judge McMahon have decided against

the transfer from Special to General Sessions

of excise cases, when the District Attorney

opposed such application, as he did in the

case taken to Judge Foster. Violation of the Excise law is a misdemeanor, and misdemeanors are punishable by a year's imprisonment and \$500 fine. But the proprisor of a saloon convicted of violation of the Excise law not only may be fined and imprisoned, but loses his \$800 license, possibly his \$1,000 bond and in addition the right to sell liquor again in five years' time. Judge Foster emphasizes his exposition of this Foster emphasizes his exposition of this penalty by two exclamation points. This punishment, he says, "stamps the orime as more than a misdemeanor," even if the Legislature does call it misdemeanor.

Judge Foster also pointed out that in every county of the State except New York county one who violates the excise law gets a trial by jury of right, while here it occurs only when to a Supreme Court or General Sessions Judge it "appears reasonable that he should have it." Judge Foster quotes Justice Beekman's definition of "reasonable" as "where there are exceptional features in the case which render it desirable and proper that the action should be tried before a jury rather than before the Justices of Special Sessions." Justice Beekman also said that in order to entitle a misdemeanant to a jury trial "facts must be brought to the attention of the Judge to whom the application is made tending to show that the case is of an exceptional character." Justice Fursman in the Nethersole case held that where large property rights and interests are involved it was "reasonable and right" that the case should be investigated by a jury.

"It may be observed in passing," continues Judge Foster, "that throughout the State, excepting only this county and city, a jury trial is granted to defendants even in petty cases as of right. I have never been able to understand why an inhabitant of this imperial city should be denied what is accorded as a right to the humblest rustic."

Excise law violations, he says, are also punishable more severely here than elsewhere in the State, because the property right involved is greater.

"To my mind, therefore," he says, "it is penalty by two exclamation points. This

in the State, because the property right involved is greater.

"To my mind, therefore," he says, "it is reasonable, if a defendant desires, that a trial before a jury of the defendant's peors should be had before these direful consequences can be visited upon him. Nor can the fact, if it be a fact, as has been suggested that a jury will probably acquit a defendant charged with violating the excise law be urged with force as a reason for denying this application. If this law or the punishment which is provided for its violation, so offends the sense of justice of the community that juries will even violate their oaths to acquit where the evidence of guilt is convincing, I can only regret it. To my mind it is not reasonable to refuse a jury trial for such reason. such reason.
"I am aware that the District Attorney
opposes this motion, but no facts whatever
and no argument which I deem reasonable
or valid are advanced in support of his con-

"The consequences which follow the con-

tention.

"The consequences which follow the conviction of an employee are by no means as severe, and in such applications now before me no unusual facts are brought to my attention which would justify me in granting their applications, and they will be accordingly denied. Applications granted as to the proprietors, but denied as to the barkeepers and employees."

Judge Foster has also denied applications by the District Attorney for leave to resubmit two complaints dismissed by the February Grand Jury because "the application does not appeal to judicial discretion," because the February inquest was not sufficiently impressed with the complaint to indict and because "to permit the District Attorney because he does not agree with the Grand Jury (and seemingly for no other reason) to continue resubmitting complaints to other Grand Juries until one can be found to agree with him, is to place in his hands a power of persecution that I am unwilling to sanction and which I am quite sure he does not desire. The application by the District Attorney and the application by the Bistrict Attorney and the application by the Bistrict Attorney wand the application by the Bistrict Attorney in the pristrict Attorney understands that applications may be made only to the Judge sitting in Part I. Judge Cowing, who is there this month, is considered to be averse to the transfer of trials for misdemeanor from Special to General Sessions. Judge McMahon and Recorder Goff are to follow Judge Cowing in Part I.

Capt. Herlihy is the first accused police captain to be tried and the District Attorney believes that his counsel will apply to a Superment Court Justice for a transfer. Assistant District Attorney Osborne is to prosecute Herlihy.

HERLIHY HELD FOR TRIAL.

#### HERLIHY HELD FOR TRIAL. Magistrate Cornell Makes His Ball \$500 for Appearance in Special Sessions.

Magistrate Cornell announced in the Harlem police court yesterday that he would entertain a complaint against Capt. John D. Herlihy, charging him with neglect of duty while he was in command of the Eldridge street station for not suppressing disorderly houses in the Red Light district. He said he would hold the captain for trial in Special Sessions in \$500 bail.

Assistant District Attorney Gans asked Assistant District Attorney Gans asked the Magistrate for an adjournment of the case until next Tuesday afternoon, when the formal commitment papers will be filed. James D. Reynolds, President of the University Settlement Society, will appear as the complainant in the preliminary proceedings. Capt. Herlihy was tried on charges before the Police Board, but the charges were dismissed. The police court proceedings followed. Capt. Herlihy had a bondsman with him in court yesterday and was mad because ball was not accepted. He said he was tired of being dragged around from court to-court. Magistrate Cornell said to Assistant District Attorney Gans; You have made a good case, and I propose to hold the defendant in \$500 ball for trial.

### Mexico Restricts Mission Holdings.

MONTEREY, Mex., June 8 .- An amendment to the Constitution of Mexico has just been adopted restricting the amount of Church property and real estate that shall be held by religious bodies who conduct missions in this country. The holdings are restricted to property that is absolutely necessary for conducting missionary work. It is asserted that in some instances missionary workers have speculated in land.

Texas Raises the Quarantine on San Francisco AUSTIN, Tex., June 8 .- Gov. Sayers to-day issued an order authorizing State Health issued an order authorizing State Health officer W F. Blunt to raise the quarantine which Texas has been enforcing for several months against San Francisco on account of the bubonic plague. The inspections that have been in force at Texline. El Paso and at the Red River crossing of the Gulf, Colorado and Santa Fé Railroad were discontinued to-day.

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Beecher, has been chosen one of the Rev.
Dr. Hillis's assistants in Plymouth Church in place of the Rev. Horace Porter, who was forced recently to retire from ministerial work through ill begin his labors after the summer vacation. R. J. HORNER & CO.,

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The following Special Values will be offered Monday, June 10th

# Cloak Departments

Ladies' Capes of accordion platted Liberty Chiffons, at \$12.00 made on silk, in black, white and gray, **English Rain Coats** of herringbone cheviots. at \$14.75 with yokes or semi-fitting,

#### Suit Department

**Dotted Silk Chambray Suits** in white, light blue, rose, at \$8.75 lavender, pink and bluet, French Organdie Suits trimmed with Valenciennes Lace at \$12.75, 19.50 and Swiss Embroidery,

of Pique, Linen and Duck, for Golfing, Traveling and Street Wear.

# Ladies', Underwear

On the Second Floor A large collection of very desirable garments of their own make,

At Special Prices at 32c, 57, 85 Drawers. at 37c, 63, 89 Chemises, at 65°, 97, \$1.25 Night Robes, at \$1.23, 1.85, 2.50 Petticoats,

# Silk Departments

Another purchase of Printed Foulards in the most desirable combinations and colors, at 48c Black Taffeta Silks, Extra quality,

Very Exceptional Values in

# Ladies' Shirt Waists

White Lawn Waists. at 73° Embroidered fronts and tucked backs, White Dotted Swiss Walsts, with four rows of . 95c embroidery and cluster tucked front, stock collar, Mercerized Chambray Waists, in the most desirable colors, with embroidered spots and figures, \$1.25 white duck stock collar and the to match,

# Parasols

Plain and Fancy a \$1.95 Striped Taffeta Stlk, Plain and Embroidered Polka Dot Hemstitched Taffeta Silks, at \$2.45 handles ornamented with cherries. Rich Silks in floral designs at \$2.95 also black and white effects, And the remainder of this season's

High Cost Parasols At Greatly Reduced Prices

#### Important Sale of Boys' Summer Apparel

Washable Sailor Suits of imported Galateas, Chambrays, of imported Galateas, Chambrays, Linen and white Duck, 3 to 12 years 95c, \$1.38, 1.95

Value \$1.75 to 4.98 Single-breasted Suits of all wool cheviots, belt straps with \$3.90 leather beit of trousers, 7 to 16 yrs.,

Heretofore \$5.00 to 6.50 Sailor and Russian Sults of serges and cheviots. \$3.75, 5.00

sizes 3 to 12 yrs., Heretofore \$5.50 to 8.90 Trousers, of all wool navy blue

#### 59°, 98 cheviots and serges, 3 to 16 yrs... Value \$1.00 and 1.50

Girls' and Misses' Departments Girls' Sailor Suits of White Pique, Blue or Rose Chambray, handsomely trimmed, 3 to 14 years, Value \$3.50 of Navy Blue, Brown or Red *53.75* Value \$5.50 English serges 3 to 12 yrs

Misses' Skirts of White Pique, 14 to 18 yrs., \$1.98, 2.95, 3.95 Value \$3.50 to 5.75

Golf and Walking Skirts of plaid back cloths, Value \$8.50 \$5.75 14 to 18 yrs.

West Twenty-third Street

#### FOUND-A BOUNCING BOY. Others Stambled Over Him in the Hall, but Mrs. Wolf Picked Him Up.

Some one left a bouncing four-months-old boy in the hallway of 741 Columbus avenue, about noon yesterday. Several tenants of the house stumbled over the crying youngster, but Mrs. Mina Wolf picked him up and turned him over to the police of the 100th street sta-tion, who sent the child to Bellevue. Nothing was found by which to identify the foundling

Detective's Sentence for Jury Fixing Confirmed MEMPHIS. Tenn., June 8.-This afternoon in the Supreme Court the verdict of the Criminal Court in sending W. S. Richardson, one of the best-known detectives in the South, to the penitentiary was affirmed. He was sentenced to the penitentiary for three years for bribing a jury in a damage suit. Rich-ardson has had a sensational career. Several years ago he had five negroes in custody. They met mysterious deaths and he was tried for the murder, but escaped punish-

#### Rev. Samuel Scoville, Beecher's Son-in-Law, Coming to Plymouth Church.

The Rev. Samuel Scoville of Vineland, N I. a son-in-law of the late Henry Ward cher, has been chosen one of the Rev.

J. E. Cobb Buys a Stamford Residence. GREENWICH, Conn., June 8.-The handsome residence on Strawberry Hill, Stamford. of the late F. W. Lockwood, a Standard Oli man who was drowned in making a transatlantic voyage on the steamship Mohegan, wrecked a few years ago, was soid to-day to J. B. Cobb, First Vice-President of the American Tobacco Company. The house with its spacious grounds of seventeen acres is one of the finest private residences in this neighborhood, situated nearly opposite the former suburban residence of Ferdinand Ward.

# We Present a Desirable

and generous assortment of cloths for year round Top Coatings-(the most necessary addition to a gentleman's wardrobe) in the proper weights, finishes and colorings; these cloths we cut after the very latest and modish models; ultra styles in advance

### of season. Burnham & Phillips

Eustom Calloring Only, Cemple Court Annex, 110 Dassau St.